

NO. 21

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

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WEDNESDAY, FEBRUARY 18, 2009  
(STATEWIDE SESSION)

**Wednesday, February 18, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Representative J. R. SMITH, as follows:

Our thought for today is from John 6:58: "This is that bread which came down from heaven, not as your fathers did eat manna, and are dead, he that eateth of this bread shall live forever."

Let us pray. Loving God, Your mercy reaches each and every one, let us be thankful for the bread of life this day. As the manna from heaven sustained Your people on their forty year journey, let us always remember Your sustaining mercy for each of us. Let us remember our friends, that may sit with us in this Chamber. God help us always to remember our fellow Members, our Speaker, our State, our Nation, and our President, during these difficult times. We know that You hold today, tomorrow, and eternity, in the palm of Your hands. Your guiding mercy we ask. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. HAMILTON moved that when the House adjourns, it adjourn in memory of John Brausch of Taylors, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Representative Govan in the death of his sister.

**RESIGNATION**

The following was received:

February 17, 2009  
The Honorable Charles Reid

**WEDNESDAY, FEBRUARY 18, 2009**

Clerk, South Carolina House of Representatives  
P.O. Box 11867  
Columbia SC 29211

Dear Mr. Reid:

Please be advised that I have stepped down from the House Rules Committee. I have written a formal letter to Speaker Harrell, resigning my position on Rules. This is a result of my recent election to the House Ethics Committee.

I appreciate the opportunity to have served on the House Rules Committee.

Sincerely,  
Joan Brady

Received as information.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 3196

Agency: Commission on Higher Education

Statutory Authority: 1976 Code Section 59-114-75

South Carolina National Guard College Assistance Program

Received by Speaker of the House of Representatives April 16, 2008

Referred to Education and Public Works Committee

Legislative Review Expiration March 23, 2009

Revised: March 3, 2009

Revised: March 9, 2009

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 17, 2009

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber 11:15 a.m. on Thursday, February 19, 2009, for the purpose of ratifying Acts.

Very respectfully,  
President

On motion of Rep. COLE the invitation was accepted.

[HJ]

**WEDNESDAY, FEBRUARY 18, 2009**

**REPORTS OF STANDING COMMITTEES**

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3123 -- Reps. J. E. Smith, H. B. Brown, McLeod and Horne: A BILL TO AMEND SECTION 40-5-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT THE PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR IN ORDER TO PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THE PRACTICE OF LAW SHALL BE DEFINED BY THE SUPREME COURT PRIOR TO ANY CHARGE BEING FILED PURSUANT TO THIS SECTION.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3343 -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-5-180 SO AS TO PROVIDE THAT THE ADMINISTRATOR OF A JAIL OR DETENTION CENTER SHALL PROVIDE AN ATTORNEY ACCESS TO HIS CLIENTS WHO ARE CONFINED IN THESE FACILITIES DURING THE PERIOD OF EIGHT O'CLOCK A.M. TO SIX O'CLOCK P.M.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 3305 -- Reps. Bedingfield, Merrill, Bingham, Duncan, Loftis, G. R. Smith, Cato, Owens, Crawford, A. D. Young, Nanney, Bannister, Daning, Harrison, Horne, Kirsh, Lowe, Lucas, E. H. Pitts, Stringer, Thompson, Toole, Wylie, T. R. Young, Long, Rice, Parker, Allison, Littlejohn, Cole, Hiott, Edge, Whitmire, Hearn, Hardwick, D. C. Smith, Pinson, J. R. Smith, Simrill, Brantley, Willis, Hamilton, Erickson, Sottile, Scott, Harrell, Delleney and Gullick: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE II OF

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THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE, SO AS TO PROVIDE THAT THE GUARANTEE OF THE RIGHT TO VOTE BY SECRET BALLOT APPLIES IN REQUIRED DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 3084 -- Reps. Toole, Wylie and Hamilton: A BILL TO AMEND SECTION 57-3-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL, SO AS TO PROVIDE THAT UNLESS THE HIGHWAY FACILITY IS DEDICATED AND NAMED IN HONOR OF EITHER A SERVICEMAN OR LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY, PUBLIC FUNDS MAY NOT BE USED TO REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE EXPENSES IT INCURS TO NAME AND DEDICATE THE HIGHWAY FACILITY.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 3080 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 56-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE TO CERTAIN MINORS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE RESTRICTIONS CONTAINED IN THIS DRIVER'S LICENSE MAY BE MODIFIED OR WAIVED BY THE DEPARTMENT IF THE RESTRICTED LICENSEE PROVES THAT THE RESTRICTIONS INTERFERE WITH TRAVEL BETWEEN THE LICENSEE'S HOME AND RELIGIOUS SPONSORED EVENTS.

Ordered for consideration tomorrow.

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Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3094 -- Reps. Littlejohn, Parker and Agnew: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE A VEHICLE THAT IS NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS THE VEHICLE'S EXTERIOR EQUIPMENT AND MARKINGS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED UNDER CERTAIN CIRCUMSTANCE AND TO PROVIDE A PENALTY.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3175 -- Reps. G. R. Smith and G. M. Smith: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADMISSION TO A CHARTER SCHOOL, SO AS TO PROVIDE THAT ENROLLMENT PRIORITY MAY BE GIVEN TO A SIBLING OF A PUPIL ALREADY ENROLLED IN THE CHARTER SCHOOL WHO HAS ATTENDED THE SCHOOL FOR ONE YEAR OR MORE.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

H. 3042 -- Reps. Merrill, Parker, Huggins, H. B. Brown, Anderson, J. E. Smith, Miller, M. A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield and Ott: A BILL TO AMEND SECTIONS 40-81-20, 40-81-50, 40-81-70, 40-81-230, 40-81-280, 40-81-430, AND 40-81-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40-81-445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE

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ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40-81-530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

H. 3187 -- Rep. Chalk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

H. 3247 -- Reps. Huggins and Duncan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-40-445 SO AS TO PROVIDE A LANDLORD OF A MULTI-FAMILY DWELLING MAY EMPLOY CERTAIN EQUIPMENT OR METHODOLOGY TO DETERMINE THE QUANTITY OF WATER PROVIDED TO EACH SINGLE-FAMILY RESIDENCE WITHIN THE DWELLING, AND TO PROVIDE THE LANDLORD MAY CHARGE A TENANT FOR WATER AND WASTEWATER USED BY HIS SINGLE-FAMILY RESIDENCE, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 27-40-210, RELATING TO GENERAL DEFINITIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DEFINE A MULTI-FAMILY DWELLING; AND TO AMEND SECTION 27-40-440, RELATING TO A LANDLORD'S OBLIGATIONS, SO AS TO PROVIDE SPECIFIC REQUIREMENTS

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PERTAINING TO THE PROVISION OF CENTRAL HEAT AND HOT WATER TO A MULTI-FAMILY DWELLING.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3555 -- Rep. Hayes: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE JEROME SINGLETON, JR., OF LEXINGTON COUNTY, FOR HIS OUTSTANDING PERFORMANCE AT THE PARALYMPIC GAMES IN BEIJING, CHINA, IN SEPTEMBER 2008, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3556 -- Reps. Loftis, Bedingfield, Nanney, Dillard, Cato, Allen, G. R. Smith, Hamilton, Rice, Stringer, Willis and Wylie: A BILL TO CHANGE THE NAME OF THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY TO RENEWABLE WATER RESOURCES.

On motion of Rep. LOFTIS, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3558 -- Reps. Thompson and Simrill: A BILL TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT AN INCREASE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE TO REFLECT GENERAL OBLIGATION BOND DEBT SERVICE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

Referred to Committee on Ways and Means



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H. 3559 -- Reps. Thompson and Simrill: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO REQUIRE AN ADDITIONAL AMOUNT EQUAL TO ONE QUARTER OF ONE PERCENT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR TO BE HELD IN THE GENERAL RESERVE FUND IN SUCCEEDING FISCAL YEARS EACH TIME THE GENERAL ASSEMBLY ENACTS LEGISLATION CUMULATIVELY RAISING BY AT LEAST ONE PERCENT THE AMOUNT OF GENERAL FUND REVENUES OF THE PRECEDING FISCAL YEAR THAT MAY BE USED TO SERVICE STATE GENERAL OBLIGATION DEBT.

Referred to Committee on Ways and Means

H. 3562 -- Reps. Brady and Sandifer: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF "GENERAL APPOINTMENT", "LOCAL APPOINTMENT", "SPECIAL APPOINTMENT", "CROP INSURANCE", AND "TRAVEL INSURANCE", CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38-39-20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY-FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY-FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38-43-106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE'S MONTH AND YEAR OF

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BIRTH; TO AMEND SECTION 38-43-110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER'S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALY BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38-43-200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38-45-10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38-45-20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

Referred to Committee on Labor, Commerce and Industry

**CONCURRENT RESOLUTION**

On motion of Rep. HUGGINS, with unanimous consent, the following was taken up for immediate consideration:

H. 3557 -- Rep. Huggins: A CONCURRENT RESOLUTION TO DECLARE TUESDAY, FEBRUARY 24, 2009, SOUTH CAROLINA REALTOR DAY IN ORDER TO RECOGNIZE AND HONOR THE MANY OUTSTANDING REALTORS AND REAL ESTATE PROFESSIONALS IN OUR STATE.

Whereas, a healthy and happy society must fulfill the desires and aspirations of the majority of its members while protecting the rights of each of its individual entities; and

Whereas, our citizens desire to live in communities where the wonders of our Creator are shaped and preserved and where the prosperity of the members of the society, as well as the animal and plant life indigenous to the environment, is protected and nurtured; and

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Whereas, our society has been established and maintained and has prospered based on a recognition of the rights of each individual member, many of the most important of these rights being codified in our nation's Bill of Rights; and

Whereas, our forefathers found it prudent and wise to ensure the protection of an individual's property rights by establishing these rights in both the Fifth and Fourteenth Amendments to the United States Constitution; and

Whereas, homeownership provides a sense of security for South Carolina families and their children and results in better education, more secure neighborhoods, and a better quality of life for our children; and

Whereas, the purchase of a home for most South Carolinians is the single largest investment they will ever make; and

Whereas, all families in South Carolina regardless of race, color, religion, gender, handicap, familial status, or national origin should have the opportunity to pursue the American dream of homeownership; and

Whereas, housing affordability and choices should be market driven, based on the principles of free enterprise, so the American dream of homeownership can be protected and preserved for future generations of South Carolinians; and

Whereas, South Carolina REALTORS is an association with nearly twenty-two thousand members and twenty-two local associations throughout the State; and

Whereas, the members of South Carolina REALTORS provide diverse and specialized services in South Carolina in the purchase, sale, leasing, or appraisal of real property, including residential, commercial, industrial, retail development, consulting services, estates, foreclosures, international affairs, investments, luxury homes, property management, and property rehabilitation; and

Whereas, in addition to the unmatched array of member programs, products, and services that South Carolina REALTORS provides to its members, the association also provides critical real estate continuing

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education resources to real estate professionals in South Carolina through its Graduate Realtor Institute Program; and

Whereas, South Carolina REALTORS has for many years developed and distributed uniform lease and other common real estate forms that are used and relied on by realtors in South Carolina; and

Whereas, beyond the services it provides to its members and real estate professionals, South Carolina REALTORS has taken public-interest positions on local, regional, state, and federal issues relating to the protection of consumers and the real estate industry, including private-property rights, seller disclosure initiatives, and undue taxation; and

Whereas, South Carolina REALTORS and its members are truly the keepers of the American dream of homeownership. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, declare Tuesday, February 24, 2009, South Carolina Realtor Day in order to recognize and honor the many outstanding realtors and real estate professionals in our State.

Be it further resolved that a copy of this resolution be forwarded to Richard Berger, 2009 president of South Carolina REALTORS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 429 -- Senators Reese, S. Martin and Bright: A CONCURRENT RESOLUTION TO SALUTE THE NATIONAL BETA CLUB, FOUNDED AT LANDRUM HIGH SCHOOL IN SPARTANBURG

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COUNTY, ON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY, AND TO WISH THE CLUB MANY MORE YEARS OF SUCCESS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 430 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE C. DAVID WARREN, EXECUTIVE DIRECTOR OF THE RICHLAND COUNTY PUBLIC LIBRARY, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	R. L. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne

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Hosey	Howard	Huggins
Hutto	Jefferson	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lucas
Mack	McEachern	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Weeks	White
Whitmire	Williams	Willis
Wylie	A. D. Young	T. R. Young

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 18.

Paul Agnew	Curtis Brantley
Boyd Brown	Daniel Cooper
Kris Crawford	Douglas Jennings
Phillip Lowe	Walton McLeod
Joseph Neal	Bakari Sellers
Ted Vick	Jackson "Seth" Whipper
Todd Rutherford	Thad Viers
Jim Stewart	

**Total Present--123**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GOVAN a leave of absence for the remainder of the day.

**STATEMENT OF ATTENDANCE**

Rep. JENNINGS signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, February 17.

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**SPECIAL PRESENTATION**

Rep. CLEMMONS presented to the House the Myrtle Beach High School "Seahawks" Varsity Football Team, the 2008 AAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. FORRESTER presented to the House students and school officials from the South Carolina School for the Deaf and the Blind for the purpose of recognizing their unique accomplishments.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

**CO-SPONSOR ADDED**

Bill Number: H. 3352  
Date: ADD:  
02/18/09 BALES and UMPHLETT

**CO-SPONSOR ADDED**

Bill Number: H. 3042  
Date: ADD:  
02/18/09 OTT

**CO-SPONSOR ADDED**

Bill Number: H. 3063  
Date: ADD:  
02/18/09 DUNCAN

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**CO-SPONSOR ADDED**

Bill Number: H. 3067  
Date: ADD:  
02/18/09 NANNY and BEDINGFIELD

**CO-SPONSOR ADDED**

Bill Number: H. 3170  
Date: ADD:  
02/18/09 R. L. BROWN and WHIPPER

**CO-SPONSOR ADDED**

Bill Number: H. 3342  
Date: ADD:  
02/18/09 BEDINGFIELD, RICE and VICK

**CO-SPONSOR ADDED**

Bill Number: H. 3455  
Date: ADD:  
02/18/09 MILLER

**CO-SPONSOR ADDED**

Bill Number: H. 3526  
Date: ADD:  
02/18/09 WHITE

**CO-SPONSOR ADDED**

Bill Number: H. 3527  
Date: ADD:  
02/18/09 WHITE

**CO-SPONSOR ADDED**

Bill Number: H. 3530  
Date: ADD:  
02/18/09 GULLICK

**CO-SPONSOR ADDED**

Bill Number: H. 3550  
Date: ADD:  
02/18/09 HUTTO



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**CO-SPONSOR ADDED**

Bill Number: H. 3565  
Date: ADD:  
02/18/09 A. D. YOUNG and HORNE

**CO-SPONSOR ADDED**

Bill Number: H. 3509  
Date: ADD:  
02/18/09 HALEY

**CO-SPONSOR REMOVED**

Bill Number: H. 3303  
Date: REMOVE:  
02/18/09 SELLERS

**CO-SPONSOR REMOVED**

Bill Number: H. 3525  
Date: REMOVE:  
02/18/09 HOSEY

**H. 3352--AMENDED AND INTERRUPTED DEBATE**

Debate was resumed on the following Joint Resolution, the pending question being the consideration of amendments:

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E. H. Pitts, R. L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G. R. Smith, Knight, Willis, Neilson, T. R. Young, Cobb-Hunter, J. H. Neal, Clyburn, G. M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J. R. Smith, A. D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M. A. Pitts, Loftis, D. C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J. E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING

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RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TETC TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

**AMENDMENT NO. 5--DEBATE ADJOURNED  
ON MOTION TO RECONSIDER**

The motion of Rep. STAVRINAKIS to reconsider the vote whereby Amendment No. 5 was adopted was taken up:

Rep. CRAWFORD proposed the following Amendment No. 5 (COUNCIL\NBD\11282BH09):

Amend the joint resolution, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/SECTION \_\_. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2008 to 2009 and 2009 to 2010 Fiscal Years only, At least sixty-five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction. No portion of the sixty-five percent may be used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year./

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD moved to table the motion to reconsider.

Rep. CRAWFORD demanded the yeas and nays which were taken, resulting as follows:

Yeas 48; Nays 51

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Those who voted in the affirmative are:

Allison	Bales	Bannister
Bedingfield	Bingham	Bowen
Cato	Chalk	Cooper
Crawford	Delleney	Duncan
Edge	Erickson	Frye
Haley	Hamilton	Harrell
Horne	Howard	Kirsh
Limehouse	Loftis	Long
Lowe	Merrill	Millwood
Nanney	Owens	Parker
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
D. C. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stringer
Thompson	Toole	Viers
White	A. D. Young	T. R. Young

**Total--48**

Those who voted in the negative are:

Alexander	Allen	Anderson
Anthony	Barfield	Battle
Brady	Branham	G. A. Brown
H. B. Brown	R. L. Brown	Clemmons
Clyburn	Cobb-Hunter	Cole
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Hart	Hayes	Herbkersman
Hiott	Hosey	Hutto
Jennings	Kelly	Kennedy
King	Littlejohn	Lucas
Mack	McEachern	McLeod
Miller	Mitchell	Moss
J. H. Neal	J. M. Neal	Neilson
Ott	Pinson	Skelton
J. E. Smith	Stavrinakis	Vick
Whipper	Williams	Willis

**Total--51**

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So, the House refused to table the motion to reconsider.

Rep. COOPER spoke against the motion to reconsider.

Rep. SANDIFER moved to adjourn debate on the motion to reconsider, which was agreed to.

Rep. ERICKSON proposed the following Amendment No. 6 (COUNCIL\NBD\11280BH09), which was tabled:

Amend the joint resolution, as and if amended, SECTION 2, item 1., as contained on page 3352-1, lines 30-31, by deleting the item in its entirety and inserting:

/1. suspension from professional staffing ratios and subfund level expenditure regulations and guidelines, except that five year old kindergarten through twelfth grade classroom standards may increase no more than twenty percent and no increase may be made in pre-kindergarten or lower grade levels;/  
Renumber sections to conform.  
Amend title to conform.

Rep. ERICKSON explained the amendment.

Rep. SELLERS moved to table the amendment.

Rep. ERICKSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 52

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Anthony	Ballentine
Battle	Bowers	Branham
Brantley	G. A. Brown	H. B. Brown
R. L. Brown	Clyburn	Cobb-Hunter
Cole	Dillard	Duncan
Funderburk	Gambrell	Gilliard
Gullick	Gunn	Haley
Hart	Hayes	Hiott
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings
Kelly	Kennedy	King

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Knight	Littlejohn	Lucas
Mack	McEachern	McLeod
Miller	Mitchell	Moss
J. H. Neal	J. M. Neal	Ott
Parker	Parks	Pinson
M. A. Pitts	Rutherford	Sellers
Skelton	G. M. Smith	J. E. Smith
Vick	Weeks	Whipper
White	Whitmire	Williams
Willis		

**Total--64**

Those who voted in the negative are:

Allison	Bales	Bannister
Barfield	Bedingfield	Bingham
Bowen	Brady	Cato
Chalk	Clemmons	Cooper
Crawford	Danig	Delleney
Edge	Erickson	Forrester
Frye	Hamilton	Hardwick
Harrell	Hearn	Herbkersman
Horne	Kirsh	Limehouse
Loftis	Long	Lowe
Merrill	Millwood	Nanney
Neilson	Owens	E. H. Pitts
Rice	Scott	Simrill
D. C. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Wylie	A. D. Young
T. R. Young		

**Total--52**

So, the amendment was tabled.

Rep. BOWEN proposed the following Amendment No. 8 (COUNCIL\GGS\22246MM09), which was ruled out of order:

Amend the joint resolution, as and if amended, SECTION 4, as found on page 3, by deleting SECTION 4 in its entirety and inserting:

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/ SECTION 4. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and beginning in school year 2011-2012, at least sixty-five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction. No portion of the sixty-five percent may be used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year. /

Renumber sections to conform.

Amend title to conform.

Rep. BOWEN explained the amendment.

**POINT OF ORDER**

Rep. OTT raised the Point of Order that Amendment No. 8 was out of order in that the Amendment affected fiscal year 2011-2012 and the fiscal years beyond, while the Joint Resolution was a temporary measure dealing only with fiscal years 2008-2009 and 2009-2010.

Speaker HARRELL stated that a similar Point of Order had been raised on March 8, 2000. He stated that the Amendment was out of order in that the Amendment was a permanent change to the law, but the Joint Resolution was only a temporary measure. He stated that the Amendment was in violation of Rule 10.3(1)c and House precedents. He therefore sustained the Point of Order and ruled the Amendment out of order.

Reps. OTT and CRAWFORD proposed the following Amendment No. 10 (COUNCIL\GGS\22247MM09):

Amend the joint resolution, as and if amended, by deleting SECTION 4 in its entirety and inserting:

/SECTION \_\_. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2009 to 2010 Fiscal Year only, At least sixty-five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction including, but not limited to, instruction, institutional support such as guidance and media, transportation, and food services. No portion of the sixty-five percent may include monies received as a portion of the federal stimulus package. No portion of the sixty-five percent may be

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used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year./

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of the amendment.

**RECURRENCE TO THE MORNING HOUR**

Rep. OTT moved that the House recur to the morning hour.

**INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 3563 -- Reps. M. A. Pitts, Vick, Bedingfield, Crawford, Hardwick, G. R. Smith, Duncan, Pinson, Toole, A. D. Young, Hamilton, Nanney, Lowe, Rice, Spires, Umphlett, Willis and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-27-75 SO AS TO REQUIRE THE COURT TO DISMISS A POST-CONVICTION RELIEF ACTION THAT IS SUCCESSIVE OR ON THE GROUNDS OF MISUSE OF PROCESS, TO DEFINE MISUSE OF PROCESS, AND TO ALLOW THE COURT TO PENALIZE THE APPLICANT BY REDUCING CERTAIN CREDITS GRANTED BY THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTIONS 17-27-20 AND 17-27-45, RELATING TO PERSONS WHO MAY INSTITUTE A POST-CONVICTION RELIEF ACTION AND FILING PROCEDURES, RESPECTIVELY, SO AS TO ELIMINATE THE PROVISIONS ALLOWING AN ACTION WHEN MATERIAL EVIDENCE WAS NOT PREVIOUSLY PRESENTED OR HEARD; TO AMEND SECTION 17-27-70, RELATING TO COURT PROCEDURES FOR POST-CONVICTION RELIEF APPLICATIONS, SO AS TO REQUIRE THE COURT TO DISMISS ACTIONS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 17-27-80, RELATING TO HEARINGS ON A POST-CONVICTION RELIEF

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APPLICATION AND FINAL JUDGMENT, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 17-27-160, RELATING TO POST-CONVICTION RELIEF PROCEDURES IN CAPITAL CASES, SO AS TO CHANGE AND STREAMLINE THE PROCEDURES FOR FILING A POST-CONVICTION RELIEF ACTION AND SHORTEN THE TIME IN WHICH A HEARING MUST BE HELD.

Referred to Committee on Judiciary

H. 3564 -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A JAIL, DETENTION CENTER, OR CORRECTIONAL FACILITY TO MONITOR AND RECORD THE TELEPHONE CONVERSATIONS OF AN INMATE AND HIS LEGAL COUNSEL AND TO RELEASE TO THE PUBLIC A RECORDED TELEPHONE CONVERSATION BETWEEN AN INMATE AND ANOTHER PERSON UNLESS THE RELEASE OF THE CONVERSATION IS ESSENTIAL TO PROTECT THE PUBLIC FROM POTENTIAL CRIMINAL ACTIVITY.

Referred to Committee on Judiciary

H. 3565 -- Reps. Clemmons and Horne: A BILL TO AMEND SECTION 4-9-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY COUNCIL MEMBERS HOLDING OTHER OFFICES AND THE SALARY AND COMPENSATION OF COUNCIL MEMBERS, SO AS TO PROVIDE THAT AN ORDINANCE REDUCING THE SALARY OF A COUNCIL MEMBER IS EFFECTIVE ON THIRD READING OF THE ORDINANCE, UNLESS PROVIDED OTHERWISE.

Rep. CLEMMONS asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. SKELTON objected.

Referred to Committee on Ways and Means

H. 3566 -- Reps. Herbkersman, Chalk, Cobb-Hunter, Mitchell, Merrill, King, Parks, Dillard, Bedingfield, Haley, Bowers, Frye, Funderburk, Gambrell, Gunn, Hiott, Howard, McLeod, Miller, Sandifer, G. M. Smith and Umphlett: A BILL TO AMEND SECTION 37-2-203, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DELINQUENCY CHARGES



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ON CONSUMER CREDIT SALES, SO AS TO PROVIDE THAT A CREDIT CARD DELINQUENCY CHARGE OR LATE FEE MAY NOT EXCEED THE TOTAL OUTSTANDING ACCOUNT BALANCE.

Referred to Committee on Labor, Commerce and Industry

H. 3567 -- Reps. Herbkerman, Huggins, Cobb-Hunter, Mitchell, Parks, Dillard, King, Frye, Funderburk, Gunn, Howard, Knight, Merrill, E. H. Pitts, Sandifer, G. M. Smith and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-33-60 SO AS TO PROVIDE THAT A PREEXISTING RENTAL AGREEMENT DOES NOT TERMINATE UPON THE SUBSEQUENT FORECLOSURE OF THE LANDLORD'S MORTGAGE.

Referred to Committee on Judiciary

**H. 3352--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Joint Resolution, the pending question being the consideration of Amendment No. 10:

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E. H. Pitts, R. L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G. R. Smith, Knight, Willis, Neilson, T. R. Young, Cobb-Hunter, J. H. Neal, Clyburn, G. M. Smith, Kennedy, Herbkerman, Merrill, Bingham, Ott, J. R. Smith, A. D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M. A. Pitts, Loftis, D. C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J. E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TETI TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL

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DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

Reps. OTT and CRAWFORD proposed the following Amendment No. 10 (COUNCIL\GGS\22247MM09), which was adopted:

Amend the joint resolution, as and if amended, by deleting SECTION 4 in its entirety and inserting:

/SECTION \_\_. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2009 to 2010 Fiscal Year only, At least sixty-five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction including, but not limited to, instruction, institutional support such as guidance and media, transportation, and food services. No portion of the sixty-five percent may include monies received as a portion of the federal stimulus package. No portion of the sixty-five percent may be used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year./

Renumber sections to conform.

Amend title to conform.

Rep. OTT spoke in favor of the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. OTT continued speaking.

The question then recurred to the adoption of the amendment.

Rep. CRAWFORD demanded the yeas and nays which were taken, resulting as follows:

Yeas 100; Nays 13

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Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Edge	Forrester
Frye	Gullick	Haley
Hamilton	Hardwick	Harrell
Harrison	Harvin	Hayes
Hearn	Hiott	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings
Kennedy	Kirsh	Knight
Limehouse	Littlejohn	Long
Lowe	Lucas	Mack
McEachern	Merrill	Miller
Millwood	Mitchell	Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parks	E. H. Pitts	Rice
Rutherford	Sandifer	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Thompson	Umphlett	Viers
Weeks	Whipper	White
Williams	Wylie	A. D. Young
T. R. Young		

**Total--100**

Those who voted in the negative are:

Anthony	Duncan	Erickson
Funderburk	Gambrell	Gunn

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Kelly  
Pinson  
Willis

King  
M. A. Pitts

Parker  
Whitmire

**Total--13**

The amendment was then adopted.

**STATEMENT FOR THE JOURNAL**

The intent of this legislation was to provide flexibility to school districts in order to deal with budget cuts as best they can during these difficult times. I believe that Amendment No. 10 serves to reduce the flexibility the original Bill provided, and it was passed without a thorough understanding of its implications.

Rep. Laurie Slade Funderburk

**STATEMENT FOR THE JOURNAL**

I support the idea of Amendment No. 10 to H. 3352, but I do not support invading the province of the school board. Again, board members are elected officials and are accountable to the voters of the school district.

Rep. Keith Kelly

**AMENDMENT NO. 5--MOTION TO RECONSIDER  
REJECTED**

The question then recurred to the motion to reconsider the vote whereby Amendment No. 5 was adopted.

The motion to reconsider was rejected by a division vote of 14-41.

The Bill, as amended, was read the second time and ordered to third reading.

**H. 3170--REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

H. 3170 -- Reps. Gunn, Wylie, Hart, Loftis, R. L. Brown and Whipper: A JOINT RESOLUTION TO CREATE THE JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE TO EXAMINE THE FEASIBILITY OF INCREASING THE USE OF HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC

[HJ]

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PERSONAL HEALTH RECORDS, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE JANUARY 1, 2010, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Reps. G. R. SMITH, DELLENEY, BEDINGFIELD, HAMILTON, J. R. SMITH, ALLISON, PARKER, OWENS, T. R. YOUNG and DUNCAN requested debate on the Joint Resolution.

**H. 3342--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3342 -- Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G. R. Smith, J. R. Smith, Loftis, Duncan, Hiott, Bedingfield, Rice and Vick: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Reps. DELLENEY, G. R. SMITH, KELLY, SELLERS, T. R. YOUNG, KING, OWENS, J. R. SMITH, D. C. SMITH, BEDINGFIELD, ALLISON, WYLIE, MACK, CLYBURN, KENNEDY, R. L. BROWN, WEEKS and VIERS requested debate on the Bill.

**ORDERED TO THIRD READING**

The following Bills were taken up, read the second time, and ordered to a third reading:

H. 3333 -- Reps. A. D. Young, J. H. Neal, Simrill and T. R. Young: A BILL TO AMEND SECTION 14-1-206, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY GENERAL SESSIONS COURTS, SO AS TO PROVIDE AN AMOUNT TO THE

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SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY; AND TO AMEND SECTION 14-1-207, AS AMENDED, RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY MAGISTRATES COURTS, SO AS TO PROVIDE AN AMOUNT TO THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

Rep. KELLY explained the Bill.

H. 3551 -- Reps. Littlejohn, Mitchell, Allison, Anthony, Cole, Forrester, Kelly, Millwood and Parker: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY DESIGNATING SECTIONS 59-53-1110, 59-53-1120, 59-53-1130, AND 59-53-1140 AS SUBARTICLE 1 AND ENTITLED "SPARTANBURG COUNTY COMMISSION FOR TECHNICAL AND COMMUNITY EDUCATION" OF ARTICLE 14, CHAPTER 53, TITLE 59; AND BY ADDING SUBARTICLE 2 TO ARTICLE 14, CHAPTER 53, TITLE 59 SO AS TO ENACT THE "SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT", AND TO PROVIDE FOR ITS POWERS AND DUTIES.

**H. 3418--OBJECTIONS AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens and Parker: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON'S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

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Reps. KENNEDY, J. E. SMITH, SELLERS, KING, RUTHERFORD and MACK objected to the Bill.

Reps. CLEMMONS and J. R. SMITH requested debate on the Bill.

**STATEMENT FOR THE JOURNAL**

I object to House Bill 3418.

Rep. Robert L. Brown

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall H. 3565 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**H. 3531--RECALLED AND REFERRED TO COMMITTEE  
ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. HARRISON, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary and was referred to the Committee on Labor, Commerce and Industry:

H. 3531 -- Reps. Sandifer and Harrell: A BILL TO AMEND SECTION 33-41-1110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATION FOR REGISTRATION AS A LIMITED LIABILITY PARTNERSHIP, SO AS TO DELETE THE FILING FEE FOR A RENEWAL APPLICATION.

**H. 3565--RECALLED FROM COMMITTEE ON WAYS AND  
MEANS**

On motion of Rep. CLEMMONS, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 3565 -- Reps. Clemmons, Horne and A. D. Young: A BILL TO AMEND SECTION 4-9-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY COUNCIL MEMBERS HOLDING OTHER OFFICES AND THE SALARY AND COMPENSATION OF COUNCIL MEMBERS, SO AS TO PROVIDE THAT AN ORDINANCE REDUCING THE SALARY OF A COUNCIL MEMBER IS EFFECTIVE ON THIRD READING OF THE ORDINANCE, UNLESS PROVIDED OTHERWISE.

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**H. 3475--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3475 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME BLACK BRANCH ROAD IN DILLON COUNTY "HOYT JACKSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "HOYT JACKSON MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 3476--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3476 -- Reps. Brantley and Bedingfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE "EUNICE HOLMAN DOE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EUNICE HOLMAN DOE HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. COLE.

**H. 3067--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3067 -- Reps. Clemmons, Brady, M. A. Pitts, Merrill, Wylie, Bingham, Viers, Harrell, Owens, Nanney and Bedingfield: A BILL TO AMEND SECTION 7-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A



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CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7-13-320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE'S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

Rep. SELLERS moved to adjourn debate on the Bill until Tuesday, February 24, which was rejected by a division vote of 28-47.

Rep. WEEKS moved to recommit the Bill to the Committee on Judiciary.

Rep. BEDINGFIELD demanded the yeas and nays which were taken, resulting as follows:

Yeas 36; Nays 69

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Battle	Bowers	R. L. Brown
Chalk	Clyburn	Cobb-Hunter
Dillard	Funderburk	Gilliard
Gunn	Hayes	Hosey
Hutto	Jefferson	Jennings
Kennedy	King	Mack
McEachern	Miller	Mitchell
J. H. Neal	J. M. Neal	Ott
Parks	Sellers	Vick
Weeks	Whipper	Williams

**Total--36**

Those who voted in the negative are:

Allison	Ballentine	Bannister
Barfield	Bedingfield	Bingham
Bowen	Brady	Cato
Clemmons	Cole	Daning
Delleney	Duncan	Edge
Erickson	Forrester	Frye
Gambrell	Gullick	Haley

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Hamilton	Hardwick	Harrison
Harvin	Hearn	Hiott
Horne	Huggins	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	Merrill	Millwood
Moss	Nanney	Neilson
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Thompson	Umphlett	Viers
White	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

**Total--69**

So, the House refused to recommit the Bill.

Further proceedings were interrupted by the House recurring to the Morning Hour, the pending question being consideration of the Bill.

**RECURRENCE TO THE MORNING HOUR**

Rep. CLEMMONS moved that the House recur to the morning hour.

**HOUSE RESOLUTION**

The following was introduced:

H. 3568 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood,

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Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE DEBORAH LEIGH BRANTLEY OF WRIGHTSVILLE, GEORGIA, ON THE OCCASION OF HER FIFTIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF GOOD HEALTH AND MUCH HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3569 -- Reps. Horne, A. D. Young, Harrell and Knight: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE SUMMERVILLE HIGH SCHOOL COMPETITIVE CHEER TEAM ON ITS IMPRESSIVE WIN OF THE 2008 CLASS AAAA SOUTH CAROLINA HIGH SCHOOL LEAGUE COMPETITIVE CHEER CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM AND COACH SAUNDRA GUERARD ON AN EXCEPTIONAL SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

On motion of Rep. HORNE, with unanimous consent, the following was taken up for immediate consideration:

H. 3570 -- Reps. Horne, A. D. Young, Harrell and Knight: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SUMMERVILLE HIGH SCHOOL COMPETITIVE CHEER TEAM, COACH, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON

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AND FOR CAPTURING THE 2008 CLASS AAAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Summerville High School competitive cheer team, coach, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2008 Class AAAA State Championship title.

The Resolution was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 3571 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-840, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST TAKING OR DESTROYING THE NESTS OR EGGS OF WILD BIRDS, SO AS TO DEFINE THE TERM "ACTIVE NEST" AND TO PROVIDE THAT THE DEPARTMENT MAY ISSUE PERMITS FOR THE REMOVAL OF CERTAIN ACTIVE NESTS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3572 -- Rep. Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50-5-1707 RELATING TO SHARK CATCH LIMITS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3573 -- Reps. Herbkersman and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-5-180 SO AS TO MAKE IT AN UNLAWFUL TRADE PRACTICE FOR A BANK, BUILDING AND LOAN ASSOCIATION, SAVINGS AND LOAN ASSOCIATION, SAVINGS BANK, OR OTHER FINANCIAL INSTITUTION DOING ANY KIND OF BANKING BUSINESS IN THIS STATE TO FAIL TO

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RESPOND TO A SHORT SALE OFFER FOR THE PURCHASE OF REAL ESTATE WITHIN THIRTY CALENDAR DAYS OF THE OFFER'S RECEIPT.

Referred to Committee on Labor, Commerce and Industry

Rep. MILLWOOD moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3548 -- Reps. J. E. Smith, Limehouse, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE EXTRAORDINARY EFFORTS OF THE MANY STATE WORKERS AND VOLUNTEERS WHO ARE WORKING TIRELESSLY AROUND THE CLOCK TO PRESERVE THE HISTORIC AND GALLANT USS LAFFEY (DD-724) FOR HER SURVIVING VETERANS AND COUNTLESS ADMIRERS.

**ADJOURNMENT**

At 12:08 p.m. the House, in accordance with the motion of Rep. HAMILTON, adjourned in memory of John Brausch of Taylors, to meet at 10:00 a.m. tomorrow.

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